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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,207	03/25/2004	John A. Muth	5760-19800/VRTS0608	6546
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Meyertons, Hood, Kivlin, Kowert, Goetzl/Symantec P.O. Box 398 Austin, TX 78767-0398			EXAMINER PANNALA, SATHYANARAYA R	
			ART UNIT 2164	PAPER NUMBER
			NOTIFICATION DATE 08/06/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent_docketing@intprop.com
ptomhkk@gmail.com

Office Action Summary

Application No.

10/809,207

Applicant(s)

MUTH ET AL.

Examiner

Sathyanarayan Pannala

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicants Amendment filed on 5/22/2009 including amended claims 1-2, 5-6, 10-11, 15-16 has been entered. In this Office Action, claims 1-16 are pending.

Claim Objections

2. Claims objected to because of the following informalities: 1, 6, 11, 16 are amended without following the fundamental rules. To advance the prosecution Examiner made changes. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-2, 6-7, 11-12 are rejected under 35 U.S.C. 112, second paragraph, regarding claims, the phrase "to be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). The phrase is vague in not certain to happen.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 16 is rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

7. Claim 16 is rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. The claim is a preemption and very abstraction. The claim does not produce any end result.

Claim Rejections - 35 USC § 103

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1,3-6, 8-11, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKoning et al. (US Patent 6,675,268) hereinafter DeKoning, and in view of Venkatesh et al. (US Patent 6,985,914) hereinafter Venkatesh.

10. As per independent claims 1, 6, 11, DeKoning teaches a method of prevents excessive thrashing between array controllers in a storage area network (SAN) when more than one host device is attempting to access the same logical data volume through different array controllers. Thrashing is prevented by granting ownership of a logical data volume to a particular array controller for a period of exclusivity (col. 2, lines 30-36). DeKoning teaches the claimed, determining a maximum expiration time indicated by a next scheduled time for exclusive access (Fig. 3A, col. 4, lines 40-43). DeKoning teaches the claimed, the data access request is for data that is also

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accessible by one or more other clients each having a corresponding unexpired token (col. 3, lines 47-51). DeKoning teaches the claimed, generating an access token that grants the client access to data stored on one or more storage devices associated with the metadata server, wherein the access token comprises an expiration time (col. 4, lines 51-57). DeKoning teaches the claimed, generating an access token comprises setting the expiration time of the access token to be no later than the maximum expiration time indicated by the next scheduled exclusive access time (col. 4, lines 58-61).

DeKoning does not explicitly teach dealing with a metadata server. Venkatesh teaches a method of accessing an object in a meta file system stored in a network file server in a data network. The meta file system includes a plurality of file system cells (col. 2, lines 31-34). Venkatesh teaches the claimed, in response to a metadata server receiving a data access request from a client (Fig. 8, col. 22, lines 48-49). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Venkatesh's teachings would have allowed DeKoning's method to provide an efficient way of configuring exclusive rights of processing units in the network file server to the file systems stored in the network file server eliminate thrashing and unnecessary automatic volume transfer (col. 2, lines 15-17).

11. As per dependent claims 3, 9, 14, Venkatesh teaches the claimed, the metadata server providing the access token to the client (col. 2, lines 34-36 and 42-52).

12. As per dependent claims 4, 8, 13, DeKoning teaches the claimed, a storage device receiving a data I/O request associated with the access token, comparing a current system time with the access token's expiration time and denying the data I/O request if the current system time is later than the access token's expiration time (Fig. 3A, col. 11, lines 43-65).

13. As per dependent claim 5, 10, 15, Venkatesh teaches the claimed, the client is one of a plurality of clients, the access token is one of a plurality of access tokens, each of the access tokens is provided to a respective one of the plurality of clients and wherein at the next scheduled time of exclusive access the plurality of access tokens are expired without the metadata server transmitting a message to each client to expire its respective access tokens (Fig. 1, 8, col. 9, lines 38-44 and col. 13, lines 3-20).

14. Claims 2, 7, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKoning et al. (US Patent 6,675,268) hereinafter DeKoning, and in view of Venkatesh et al. (US Patent 6,985,914) hereinafter Venkatesh, and in view of McBrearty et al. (USPA Pub 20040015585 A1) hereinafter McBrearty.

15. As per dependent claims 2, 7, 12, DeKoning and Venkatesh do not explicitly teach default expiration time. McBrearty teaches the claimed, determining a default expiration time if the default expiration time is earlier than the maximum expiration time, setting the expiration time of the access token to be the default expiration time, as the

token has a limited lifetime, typically 24 hours before the token expires (page 1, paragraph [0004]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because McBrearty's teachings would have allowed DeKoning's system and method for that allows for security tokens to be utilized which have more flexibility in a networked system (page 1, paragraph [0010]).

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeKoning et al. (US Patent 6,675,268) hereinafter DeKoning, and in view of Venkatesh et al. (US Patent 6,985,914) hereinafter Venkatesh, in view of McBrearty et al. (USPA Pub 20040015585 A1) hereinafter McBrearty, and in view of Baker (US Patent 6,965,993) hereinafter Baker.

17. As per independent claim 16, DeKoning teaches a system to prevent excessive thrashing between array controllers in a storage area network (SAN) when more than one host device is attempting to access the same logical data volume through different array controllers. Thrashing is prevented by granting ownership of a logical data volume to a particular array controller for a period of exclusivity (col. 2, lines 30-36).

DeKoning teaches the claimed, for setting the expiration time of an access token to the earlier of either a maximum expiration time indicated by a next scheduled time for exclusive access or the default expiration time, wherein the access token that grants a client access to data stored on one or more storage devices associated with the metadata server (Fig. 8, col. 22, lines 51-54 and lines 59-66).

DeKoning does not explicitly teach dealing with an access token. However, Venkatesh teaches the claimed, receiving a data I/O request associated with the access token (Fig. 8, col. 9, lines 38-47). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Venkatesh's teachings would have allowed DeKoning's method to provide an efficient way of configuring exclusive rights of processing units in the network file server to the file systems stored in the network file server eliminate thrashing and unnecessary automatic volume transfer (col. 2, lines 15-17).

Venkatesh also teaches the claimed, the data I/O access request is for data that is also accessible by one or more other clients each having a corresponding unexpired token (Fig. 9, col. 11, lines 44-52).

DeKoning and Venkatesh do not explicitly do not teach using default expiration time. However, McBrearty teaches the claimed, determining a default expiration time if the default expiration time is earlier than the maximum expiration time, setting the expiration time of the access token to be the default expiration time, as the token has a limited lifetime, typically 24 hours before the token expires (page 1, paragraph [0004]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because McBrearty's teachings would have allowed Schmeidler's system and method for that allows for security tokens to be utilized which have more flexibility in a networked system (page 1, paragraph [0010]).

DeKoning, Venkatesh and McBrearty do not explicitly teach denying I/O access after token expiration time. However, Baker teaches the claimed, comparing a current system time with the access token's expiration time and denying the data I/O request if the current system time is later than the access token's expiration time (col. 10, lines 21-23). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine the teachings of the cited references because Baker's teachings would have allowed DeKoning's method to develop a better method for streaming video data (col. 1, lines 66-67).

Baker also teaches the claimed, the access token will be expired during the next scheduled time, thus preventing the client from using the access token to access the data during the next scheduled time for exclusive access (Page 4, paragraph [0036]).

Response to Arguments

18. Applicant's arguments filed on 5/22/2009 have been fully considered regarding claims 1-16, but they are moot in view of new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner, Art Unit 2164

srp
July 28, 2009